



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT LLP
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Ooms, et al.	:	
Application No. 09/978,096	:	DECISION ON PETITION
Filed: October 17, 2001	:	
Attorney Docket No. 214975US99	:	

This is a decision on the "PETITION IN RESPONSE TO IMPROPER NOTICE OF ABANDONMENT", filed May 19, 2004, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. The petition was just recently forwarded to the Office of Petitions for consideration.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the final Office action mailed May 16, 2003. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on May 17, 2004, stating that no reply had been received.

A review of the application file reveals the presence of a Notice of Appeal, filed on November 7, 2003. A review of Office finance records confirms that the Office received the fee for the three month extension of time and the Notice of Appeal on that same day. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 2811 to await applicants' submission of the Appeal Brief.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions